



OFFICE OF THE PRESIDENT

November 21, 2013

TO: President's Council
Administrative Council
Planning Fiscal Council

FROM: Sandy Sandello

SUBJECT: Preview of next set of BPs / APs

The following BPs and APs are up for review. I have attached copies of the proposed language along with CCLC's recommended language. This will begin the review process:

BP 2110	Vacancies on the Board of Trustees
BP 2310	Regular Meetings of the Board
BP 2345	Public Participation at Board Meetings
BP 2431	Superintendent/President Selection
BP 2432	Superintendent/President Succession
BP 2610	Presentation of Initial Collective Bargaining
BP 2710	Conflict of Interest
BP 2730	Board Member Health Benefits
BP 2735	Board Member Travel
BP 2740	Board Education
AP 2320	Board Meetings: Special and Emergency Meetings
AP 2435	Evaluation of Superintendent/President
AP 2710	Conflict of Interest
AP 2740	Board Education (New- No CCLC)
AP 5010	Admissions (New)
AP 5520	Student Conduct Procedures (PFC reach consensus on incomplete version; additional pages added)
AP 5700	Athletics

Returning

BP 7340 Leaves
Question was asked regarding items L., M., N., with asterisk - asterisk refers to Employment Law.

/SS

VACANCIES ON THE BOARD OF TRUSTEESBP No.
2110

Board Adopted: 1/9/02; 11/12/03

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- I. Vacancies on the Board **of Trustees** may be caused by any of the events specified in the Elections Code, or by a failure to elect. Resignations from the Board shall be governed by Education Code 5090.
- II. Within no more than sixty days **(60)** of the vacancy or filing of a deferred resignation, the Board shall determine whether to order an election or make a provisional appointment to fill the vacancy. If an election is ordered, it shall be held on the next regular election date no less than one hundred thirty (130) days after the occurrence of the vacancy.
- III. If a provisional appointment is made, it shall be subject to the conditions in Education Code 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district **Board of Trustees governing board members**, when the election shall be held to fill the vacancy for the remainder of the unexpired term.
- IV. The provisional appointment will be made by a majority public vote of the Board members at a public meeting.
- V. The Superintendent/President ~~shall~~ **has** established administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.
- VI. Source/Reference
Education Code Sections 5090, **5091**, et seq.

BP 2110 Vacancies on the Board

References:

Education Code Sections 5090 et seq.,
Government Code Section 1770

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Board shall be governed by Education Code Section 5090.

Within [*insert number of days, but no more than 60*] days of the vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

Note: Although the following is not legally required it is suggested as good practice.

The [*CEO*] shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

See Administrative Procedures [#].

Revised 9/01

REGULAR MEETINGS OF THE BOARDBP No.
2310

Board Adopted: 3/13/02; 2/20/08; 2/20/08

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of 1

- I. Regular meetings of the Board of Trustees shall be held once a month on the second Wednesday of each calendar month beginning at 6:00:30p.m. unless specifically changed or otherwise authorized by the Board. Regular meetings shall normally be held at Rio Hondo College, 3600 Workman Mill Road, in the Board Room unless otherwise noticed.
- II. A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten (10) days prior to the meeting and shall remain posted until the day and time of the meeting.
- III. The Board shall give mailed notice of every regular meeting to any person who has filed a written request for that notice. Notice of a special meeting called less than 48 hours prior to the date set for the meeting shall be given in a manner deemed practical by the Board.
- IV. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District.
- V. All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.
- VI. When questions of parliamentary procedure arise regarding the conduct of a Board meeting, Robert's Rule of Order shall serve as a guide.
- VII. A regular or special meeting can be adjourned **to continue the meeting** to a time and place certain. If a meeting is adjourned for less than five calendar days, no new agenda is required to be posted as long as no new items are introduced on the agenda. Written notice of the adjourned meeting must be conspicuously posted on or near the door of the place where the meeting was held within twenty-four (24) hours after the time of adjournment.

VIII. Source/Reference:

Former Board Policy 1005: Education Code Section 72000(d): Government Code 54952.2, 54953 et seq., 54961.

BP 2310 Regular Meetings of the Board

References:

Education Code Section 72000(d);

Government Code Sections 54952.2, 54953 et seq., and 54961

Regular meetings of the Board shall be held [*insert here regular day of the week and frequency of meetings, e.g., "second and fourth Tuesday of each month"*]. Regular meetings of the Board shall normally be held at [*insert address*].

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District.

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

Revised 2/03

PUBLIC PARTICIPATION AT BOARD MEETINGSBP No.
2345

Board Adopted: 11/12/03; 2/20/08

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- I. The Board **of Trustees** shall provide opportunities for members of the general public to participate in the business of the Board. Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:
 - A. There will be a time at each regularly scheduled Board meeting for the general public to discuss items not on the agenda. Members wishing to present such items shall submit a written request at the beginning of the meeting to the Superintendent/President that summarizes the item and provides his or her name and organizational affiliation, if any. No action may be taken by the Board on such items.
 - B. Members of the public may place items on the prepared agenda in accordance with Board Policy 2340. A written summary of the item must be submitted to the Superintendent/President at least two weeks prior to the Board meeting. The summary must be signed by the initiator, contain his or her residence or business address, and organizational affiliation, if any.
- II. Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the Board meeting. Written communication regarding items on the Board's agenda should reach the office of the Superintendent/President not later than seventy-two **(72)** hours prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.
- III. **If requested, writings that are public records shall be made available in appropriate alternative format to be accessible to persons with a disability. (CCLC)**
- IV. Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.
- V. The Board recognizes that there are district groups among the parties interested in Board actions. These include:

PUBLIC PARTICIPATION AT BOARD MEETINGSBP No.
2345

Board Adopted: 11/12/03; 2/20/08

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PUBLIC PARTICIPATION AT BOARD MEETINGSBP No.
2345

Board Adopted: 11/12/03; 2/20/08

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- A. The administrative staff that have input through established administrative channels which requires channeling such through the Superintendent/President.
- B. Elected representation of College or Colleg- related organizations, specifically the President of the Academic Senate, President of the Rio Hondo College Faculty Association, President of the **Glassified California** School Employees Association, and President of the **Associated Students of Rio Hondo College** Body.
1. The organization representatives, each elected by a recognized College constituency will sit in specially designated seats that differentiate them from the general public or the administrative staff. As such, they are afforded special privileges to participate in the Board's deliberative process.
 2. In each case, administrative staff, elected representatives, and general public may provide input when directly requested by the Board to do so.
- C. ~~Open Agenda~~ **Action** items are considered individually and are so noticed in advance. The general public interested in speaking to an agenda item is asked to fill out a card indicating name, affiliation, item to address, and time requested. This gives the Board some indication of the magnitude of the concern and the time required. Faculty and staff seated in the audience have the same privilege as members of the public, unless queried by the Board **of Trustees**. Requests to address the Board should be presented on provided cards to the Superintendent/President prior to the beginning of the meeting, but in no case later than when the item is addressed by the Board.
- D. Organizational representatives, the President of the Academic Senate, **President of the Rio Hondo** Faculty Association ~~President~~, **President of the Rio Hondo California School Employees Association**, CSEA and President and the ~~ASB~~ **of the Associated Students of Rio Hondo College** need only raise their hands to be recognized by the President of the Board.
- VI. Source/Reference
- Government Code Section 54954.3, 54957.5; Education Code 72121.5, Former Policy 1007.

BP 2345 Public Participation at Board Meetings

References:

Education Code Section 72121.5;
Government Code Sections 54954.3 and 54957.5

NOTE: *The language in this policy is **legally required**, unless noted otherwise.*

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:

- There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda.

NOTE: *Although the **following paragraph** is not legally required, it is **legally advised**.*

Members wishing to present such items shall submit a written request at the beginning of the meeting to the [CEO/President of the Board] that summarizes the item and provides his or her name and organizational affiliation, if any. No action may be taken may be taken by the Board on such items.

- Members of the public may place items on the prepared agenda in accordance with BP 2340 titled Agendas.

NOTE: *Although not legally required, the **following paragraph** is suggested as **good practice**.*

A written summary of the item must be submitted to the CEO at least **[time frame, such as two weeks; must be at least 72 hours to assure compliance with the Brown Act]** prior to the board meeting. The summary must be signed by the initiator, contain his/her residence or business address, and organizational affiliation, if any.

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the Board meeting. Written communication regarding items on the Board's agenda should reach the office of the CEO not later than **[insert number of days here, such as five working days]** prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the

residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

See Administrative Procedure [#]

Revised 2/03, 3/12

CEO ~~SUPERINTENDENT/PRESIDENT~~ SELECTION

BP No.
2431

Board Adopted: 3/15/06

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I. In the case of a CEO **Superintendent/President** vacancy, the Board of **Trustees** shall **has** established a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations. **(See AP 2431)**

II. Source/Reference

ACCJC Accreditation Standard IV.B.1 **and IV.B.1.j.**; Title 5, Sections 53000 et seq.; AP 2431

BP 2431 CEO Selection

References:

Title 5 Sections 53000 et seq.
Accreditation Standard IV.B.1 and IV.B.1.j

Note: Accreditation standards require Boards to establish a formal search process for the chief executive officer and college presidents in multi-college districts. Local districts may insert their own practice here. The following is an illustrative example.

In the case of a CEO vacancy, the Board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

Note: The Community College League has resource materials to assist Boards in establishing CEO and college president search processes.

New 2/03

CEO SUPERINTENDENT/PRESIDENT SUCCESSION

BP No.
2432

Board Adopted: 3/15/06

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- I. The Board **of Trustees** delegates authority to the CEO **Superintendent/President** to appoint an acting CEO **Superintendent/President** to serve in his or her absence for short periods of time, not to exceed fourteen **(14)** calendar days at a time.
- II. In the absence of the CEO **Superintendent/President** and when an acting **Superintendent/President** has not been named, administrative responsibility shall reside with:
 1. Vice President, Academic Affairs
 2. Vice President, Finance and Business
 3. Vice President, Student Services
- III. The Board shall appoint an acting CEO **Superintendent/President** for a periods exceeding fourteen **(14)** days.
- IV. Source/Reference
Education Code Sections 70902(d), 72400; Title 5, Section 53021(b.)

BP 2432 CEO Succession

References:

Education Code Sections 70902(d) and 72400;
Title 5 Section 53021(b)

Note: The following policy is suggested as good practice.

The Board delegates authority to the CEO to appoint an acting CEO to serve in his/her absence for short periods of time, not to exceed *[insert number]* calendar days at a time.

In the absence of the CEO and when an acting president has not been named, administrative responsibility shall reside with (in order):

Insert titles of positions as appropriate

The Board shall appoint an acting CEO for periods exceeding *[insert time period]*.

New 8/02, Revised 2/03

PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALSBP No.
2610

Board Adopted: 3/13/02; 11/12/03

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- I. The Superintendent/President is ~~directed to enact~~ **has established** administrative procedures (**AP 2610**) that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board **of Trustees** of initial proposals for collective bargaining.
- II. Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration in accordance with the timelines found in the District's collective bargaining agreements or those prescribed by the rules and regulations of the California Public Employment Relations Board.
- III. The Board **Superintendent/President** shall appoint and maintain a Negotiation Team to be its sole spokesperson in reference to employer/employee relations covered by the Government Code, Div. 4 of Title 1, and Sections 3540 to 3599.
- IV. Communications **among the Board Negotiations Team, and Collective Bargaining units shall be as follows:**
 - A. All District responses to exclusive bargaining units shall be from the Board through its Negotiation Team on collective bargaining matters.
 - B. Individual Board members shall not discuss employer/employee relations on an individual basis with any representatives, designated or otherwise, of any employee organization in the District.
 - C. Other than initial proposals, all communications from exclusive bargaining units dealing with employer/employee relations shall be directed to the Board **of Trustees** through the Negotiation Team.
- V. Source/Reference
Government Code Section 3547; Former Policy 1015.

BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference:

Government Code Section 3547

The [CEO] is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of initial proposals for collective bargaining.

Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration in accordance with the following timelines:

[Insert timelines in the District's collective bargaining agreements or reference the timelines prescribed by the rules and regulations of the California Public Employment Relations Board.]

See Administrative Procedure [#].

CONFLICT OF INTEREST

<p>BP No. 2710</p>

Board Adopted: 3/13/02; 11/12/03; 2/20/08

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- I. **Members of the Board Trustees** members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members.
- II. A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091, or is limited to interests defined by Government Code Section 1091.5.
- III. A Board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

- IV. A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with, or inimical to his or her duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. Upon leaving the Board, former members shall not, for a period of one year, act as an attorney, agents or otherwise represent for compensation others appearing before the Board.
- V. In compliance with law and regulation, the Superintendent/President ~~shall~~ **has** established administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.
- ~~VI.~~ Board members shall file statements of economic interest with the filing officer identified by the administrative procedures. (~~See Conflict of Interest and Disclosure Code, addendum, incorporated as part of this Board Policy, approved by the Board of Supervisors, County of Los Angeles at their meeting held January 8, 2002~~)
- VII. Source/Reference

Government Code Sections 1090, et seq., 1126, 87200, et seq.; Title 2, Sections 18730 et seq.; Former Policy 1001.

BP 2710 Conflict of Interest

References:

Government Code Sections 1090 et seq.; 1126; and 87200 et seq.;
Title 2 Sections 18730 et seq.

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members.

A Board member shall not be considered to be financially interested in a contract if his/her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his/her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.

In compliance with law and regulation, the [CEO] shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Note: Although the following is not legally required, it is legally advised.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

See Administrative Procedures [#].

Revised 2/06

BOARD MEMBER HEALTH BENEFITSBP No.
2730

Board Adopted: 3/13/02; 11/12/03

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- I. Members of the Board **of Trustees** shall be permitted to participate in the District's health benefit programs. ***The benefits of members of the Board through the District's health benefit programs shall not be greater than the most generous schedule of benefits being received by any category of nonsafety employees of the District. (CCLC)***
- II. Former members of the Board may continue to participate in the District's health benefits programs upon leaving the Board if all the following criteria are met:
 - A. The member must have begun service on the Board after January 1, 1981;
 - B. The member must have been first elected to the Board before January 1, 1995;
 - C. The member must have served at least twelve (12) years.
- III. All other former Board members may continue to participate in the District's health benefits programs on a self-pay basis.
- IV. Source/Reference
Government Code Sections 53201, **53208.5**; Former Policy 5360.

BP 2730 Board Member Health Benefits

References:

Government Code Sections 53201 and 53208.5

Note: If the Board has determined that Board members are permitted to participate in the District's health benefits programs, the following policy language can be used to set out the District's commitment to current and former Board members. The determination of whether or not Board members and former Board members may participate must be made in accordance with Government Code Section 53201.

Members of the Board shall be permitted to participate in the District's health benefit programs. The benefits of members of the Board through the District's health benefits programs shall not be greater than the most generous schedule of benefits being received by any category of non-safety employee of the District.

Note: The following provision should only be used if former members of the Board have been permitted to continue receiving health benefits since before January 1, 1995.

Former members of the Board may continue to participate in the District's health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years. All other former Board members may continue to participate in the District's health benefits programs on a self-pay basis.

Revised 3/12

BOARD MEMBER TRAVELBP No.
2735

Board Adopted: 3/13/02; 11/12/03

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- I. Members of the Board **of Trustees** shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.
- II. Reimbursement shall be at the same rate and for the same purposes as for College employees.
- III. Each **Board** member must submit a travel request for each trip or conference with the Secretary of the Board in consultation with the Board President. If the member does not complete the travel, ~~they~~ **he/she shall notify the Secretary of the Board and** shall be responsible for reimbursing the College for the expense. Reimbursement shall not be required if it is determined by the Board that the member was ill or had an emergency.
- IV. **Upon returning from the trip or conference, the Board member shall provide an update on the professional development activity under the "Staff and Board Comments" section of the Board agenda at the next regular Board meeting Source/Reference**

Education Code Section 72423; ACCJC **Accreditation Standard IV.B.1.f.**

BP 2735 Board Member Travel

Reference:

Education Code Section 72423

Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.

Note: Boards may wish to add local policies that describe expectations and processes for approving Board member travel.

See Administrative Procedure [#].

BOARD EDUCATION

BP No. 2740

Board Adopted: 3/13/02; 11/12/03; 11/11/09

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- I. The Board **of Trustees** is committed to its ongoing development as a Board and to a trustee education program that includes new trustee **and student trustee** orientation. To that end, the Board **of Trustees** will engage in study sessions, **be provided** access to reading materials, and financially support conference attendance and other activities that foster trustee education. The Board members will provide post-professional development activity reports at the subsequent Board meeting.

- II. **Newly elected or appointed trustees will be provided an orientation as detailed in Administrative Procedures 2740.**

- III. **Source/Reference
CCLC; ACCJC Accreditation Standard IV.B.1.f., AP 2740**

BP 2740 Board Education

Reference:

Accreditation Standard IV.B.1.f

The Board is committed to its ongoing development as a Board and to a trustee education program that includes new trustee orientation.

Note: Local districts may insert their own policy here regarding their programs of Board development. A general statement is:

To that end, the Board will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster trustee education.

Note: The Community College League has resources to assist Boards in further developing a local new trustee orientation program as well as ongoing development for the Board and experienced trustees.

BOARD MEETINGS: SPECIAL AND EMERGENCY MEETINGSAP No.
2320

Board Reviewed: 5/17/06

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- I. Whenever a special meeting of the **Board of Trustees** governing board is called, the ~~CEO~~ **Superintendent/President** shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The ~~CEO~~ **Superintendent/President** shall also ensure that the following notices of the meeting are delivered either personally or by other means:
 - A. Written notice to each member of the governing board **Board**, including any student trustee(s).
 - B. Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.
 - C. The written notice must be received at least 24 hours before the time of the meeting as sent out in the notice. The notice shall specify the time and place of the special meeting, and the business to be transacted or discussed. The notice may be waived by members of the governing board in writing either prior to or at the time of the meeting.
- II. Whenever an emergency meeting of the governing board **Board** is called, the ~~CEO~~ **Superintendent/President** shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the ~~CEO~~ **Superintendent/President** shall provide the newspapers, radio stations, and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.
- III. Source/Reference:

Government Code Sections 54956; 54956.5 Education Code Sections 72023.5; 72129

AP 2320 Special and Emergency Meetings

References:

Education Code Sections 72023.5 and 72129;
Government Code Sections 54956 and 54956.5

Note: *It is legally required to have this procedure.*

Whenever a special meeting of the governing board is called, the CEO shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The CEO shall also ensure that the following notices of the meeting are delivered either personally or by other means:

Written notice to each member of the governing board, including any student trustee(s).

Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.

The written notice must be received at least 24 hours before the time of the meeting as set out in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The notice may be waived by members of the governing board in writing either prior to or at the time of the meeting.

Whenever an emergency meeting of the Governing Board is called, the CEO shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the CEO shall provide the newspapers, radio stations and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

Revised 9/01

EVALUATION OF SUPERINTENDENT/PRESIDENT CEOAP No.
2435

Board Reviewed: 5/17/06

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- I. The Board **of Trustees** evaluates the Superintendent/President annually. The evaluation process, agreed upon between the CEO **Superintendent/President** and the Board, consists of an evaluation instrument that includes input from staff, faculty, students, and managers.
- II. The Board and CEO **Superintendent/President** have established an annual timeline to complete the evaluation process of the CEO **Superintendent/President** to coincide with the conclusion of the CEO's **Superintendent/President's** contract year.
- III. As a part of the evaluation process, the CEO **Superintendent/President** and the Board **of Trustees** shall mutually agree upon the goals and objectives to be considered for the following year.
- IV. The final evaluation will be based upon:
 1. Progress toward goals and objectives;
 2. The CEO's **Superintendent/President's** self-evaluation; and
 3. A composite of the evaluation forms completed by members of the constituent groups.
- V. The Board, as a whole, will meet with the CEO **Superintendent/ President** to discuss the final evaluation. A copy of the final evaluation shall be furnished to the CEO **Superintendent/President** prior to that meeting.
- VI. A final written summary evaluation shall be prepared by the Board President. A signed copy will be retained by the CEO **Superintendent/President**, and one will be placed in the personnel file.
- VII. Source/Reference:
ACCJC Accreditation Standard ~~10.A.4~~ **IV.B.1.j.**

AP 2435 Evaluation of [CEO]

Reference:

Accreditation Standard IV.A

Note: *This procedure is required to meet accrediting standards and is good practice. Local practice may be inserted here. The provision that the [CEO] is evaluated should be contained in the [CEO] contract. Detailed descriptions of the evaluation process may be included as part of these Administrative Procedures or in a separate document.*

CONFLICT OF INTERESTAP No.
2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11

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Note: It is required that districts have this procedure.

I. Incompatible Activities (Government Code Sections 1126, 1099)

Members of the Board of Trustees and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's and employees' duties as officers of the District.

A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

II. Financial Interest (Government Code Section 1090 et seq.)

Board members and employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as employees.

A Board member shall not be considered to be financially interested in a contract if his or her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Board member shall not be deemed to be financially interested in a contract if he or she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

III. No Employment Allowed (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the ~~governing board~~ **Board of Trustees** unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Board, employed part-time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

IV. Financial Interest in a Decision (Government Code Section 87100 et seq.)

CONFLICT OF INTERESTAP No.
2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11

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If a Board member or employee determines that he or she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter:

1. Publicly identify the financial interest in detail sufficient to be understood by the public;
2. Re-excuse himself or herself from discussing and voting on the matter;
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

V. Gifts (Government Code Section 89503)

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506. A gift of travel does not include travel provided by the District for Board members and designated employees.

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501, 89502).

CONFLICT OF INTERESTAP No.
2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11

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Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. The term "honorarium" does not include:

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches.
2. Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction for income tax purposes.

VI. Representation (Government Code 87406.3)

Elected officials and the Superintendent/President shall not, for a period of one year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

VII. Source/Reference:

Government Code Sections 87105, 87200-87210, ~~87406-3~~;
Title 2, Section 18700 et seq. and as listed above.

AP 2710 Conflict of Interest

References:

Government Code Sections 87105 and 87200-87210;
Title 2 Sections 18700 et seq.; and as listed below

Note: *It is legally required that districts have this procedure.*

Incompatible Activities (Government Code Sections 1126 and 1099)

Board members and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

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Board members and employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as employees.

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A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

No Employment Allowed (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the Governing Board unless and until he/she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

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disclosed and made part of the Board's official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

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Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. The term "honorarium" does not include:

- Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.

- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

Representation (Government Code Section 87406.3)

Elected officials and the [CEO] shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

Revised 2/03, 2/06, 2/11

BOARD EDUCATIONAP No.
2740Board Reviewed: **NEW**

Page 1 of 2

- I. **Orientation for Newly Elected Trustees**
 - A. **The Superintendent/President and the President of the Board of Trustees, or their designee (s), will be responsible for the orientation of new Board of Trustees members. A thorough orientation and education is essential to the success of a new trustee to provide not only knowledge about their policy roles and responsibilities, but also the history, programs, and culture of the college they will govern. In order to educate new trustees, the following process has been developed.**
 - a. **Prior to election, Board of Trustees candidates will be provided information about the roles and responsibilities of trustees and about the College, as well as materials provided by the Community College League of California. Copies of Board agendas will be mailed to the candidates for every regular and special Board meeting.**
 - b. **After Board elections, an orientation will be provided by the Superintendent/President which will include the Vice President of Academic Affairs, the Vice President of Student Services, and the Vice President of Finance and Business. An overview of the state of the College; participatory governance with the various constituent groups (Academic Senate, CSEA, RHCFA, and ASRHC); review of the Trustee roles and responsibilities; review of the Board policies on the governing Board, particularly the Code of Ethics and Board Protocols, will be provided.**
 - B. **The Superintendent/President will arrange for a tour of the campus and the off-campus educational centers (Santa Fe Springs Regional Training Center, El Monte Educational Center, and South Whittier Educational Center).**
 - C. **The newly elected Board members will meet with the Director of Human Resources to review compensation and health benefits.**
- II. **Board members are encouraged to attend and participate in statewide and national conferences (Community College League of California and the Association of Community College Trustees). Workshops are provided on the Brown Act, differences between policy making and micromanaging, review of Education Code and governing board responsibilities and function. After attending these Board development conferences, the Board members will provide post-professional development activity reports at the subsequent Board meeting.**

BOARD EDUCATION

AP No. 2740

Board Reviewed: **NEW**Page 2 of 2

III. Student Trustee Orientation

- A. After the student election and the Board President administers the Oath of Office to the student trustee, the student trustee shall arrange to meet with the Director of Student Life and Leadership and the outgoing student trustee who will update the new student trustee on any outstanding business.**
- B. The Superintendent/President or his/her designee will be responsible for familiarizing the student trustee with administrative policies and procedures and understanding the Board structure, general operational principles of the Board, and the student trustee's rights, responsibilities, and privileges.**
- C. The Superintendent/President or his/her designee will schedule regular monthly meetings with the student trustee to review the Board agenda.**
- D. The student trustee is encouraged to attend the Community College League of California student trustee orientation or a similar statewide or national conference.**
- E. The Director of Student Life and Leadership will be responsible to train the student trustee on communication training and parliamentary procedures.**

**IV. Source/Reference
ACCJC Accreditation Standard IV.B.1.f.**

ADMISSIONSAP No.
5010

Board Reviewed: New

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[Note: This procedure is legally required. Local practice can be inserted here, so long as it does not conflict with the general admissions requirements of Education Code Section 76000.]

- I. **The authority and responsibility for the admissions process lies with the Director of Admissions and Records. Publication of admissions policies and procedures will be in the College Catalog, which is available in print and on-line. (current practice)**
- II. **Any graduate of an accredited high school may be admitted to Rio Hondo College. (current practice)**
- III. **Any person having successfully completed the California High School Proficiency Examination (CHSPE) or the General Education Developmental Test (GED) with scores of 45 overall and with no subtest lower than 35 may be admitted. (current practice)**
- IV. **The College may admit other persons 18 years of age or older without a high school diploma when the evidence indicates that the individual will benefit from college-level instruction. (current practice)**
- V. **Admission procedures include a determination of residency status (see AP 5015 titled Residence Determination). (current practice)**
- VI. **For admission of concurrently enrolled high school and younger students, see AP 5011. (current practice)**
- VII. **The ~~[Chief Instructional Officer]~~ Director of Admissions and Records shall establish procedures for evaluating the validity of a student's high school completion if the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education. (CCLC) (current practice)**

VIII. Source/Reference:

Education Code 76000; U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 Code of Federal Regulations Section 668.16(p) (CCLC); AP5011; AP5015.

AP 5010 Admissions

References:

Education Code Section 76000;

U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;

34 Code of Federal Regulations Section 668.16(p)

Note: *This procedure is **legally required**. Local practice can be inserted here, so long as it does not conflict with the general admissions requirements of Education Code Section 76000. The District should address:*

- Designated authority and responsibility for the admissions process
- Admission procedures for students over 18 with a high school diploma
- Admission criteria and procedures for students over 18 without a high school diploma
- Admission procedures for non-resident students that include a determination of residency status (AP 5015 titled Residence Determination)
- Publication of admissions policies and procedures

The Chief Instructional Officer shall be responsible for evaluating the validity of a student's high school completion if the college or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

Revised 7/11

STUDENT CONDUCT PROCEDURESAP No.
5520

Board Reviewed: 2/17/10; 10/9/13

Page 1 of 7

- I. The purpose of these procedures is to provide a prompt and equitable means to address violations of BP 5500 and AP 5500, Standards of Conduct, which guarantee to the student or students involved the Due Process rights guaranteed them by state and federal constitutional protections. These procedures will be used in a fair and equitable manner, and not for purposes of retaliation. They are not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.
- II. These Procedures are not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.
- III. The following definitions should be applied in the context of this administrative procedure:

“District” refers to the Rio Hondo Community College District.

“Student” refers to any person currently enrolled as a student at any College or in any program offered by the District.

“Instructor” refers to any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

“Short-term Suspension” refers to exclusion of the student by the Dean of Student Affairs for good cause from one or more classes for a period of up to ten consecutive days of instruction.

“Long-term Suspension” refers to exclusion of the student by the Dean of Student Affairs for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the College for one or more terms.

“Expulsion” refers to exclusion of the student by the Board of Trustees from the College for one or more terms.

“Removal from Class” refers to exclusion of the student by an instructor for the day of the removal and the next class meeting.

“Written or Verbal Reprimand” refers to an admonition to the student to cease and desist from conduct determined to violate the Standards of Conduct as referenced in BP/AP 5500. Written reprimands may become part of a student's permanent record at the College. A record of the fact that a verbal reprimand has been given may become part of a student's record at the College for a period of up to one year.

STUDENT CONDUCT PROCEDURESAP No.
5520

Board Reviewed: 2/17/10; 10/9/13

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“Withdrawal of Consent to Remain on Campus” – refers to withdrawal of consent by the Dean of Student Affairs for any person to remain on campus in accordance with California Penal Code Section 626.4 in which the Dean of Student Affairs has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

“Days”- **refers to the days** Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

IV. Short-term Suspensions, Long-term Suspensions, and Expulsions:

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- A. Notice. The Dean of Student Affairs will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
- the specific section of BP/AP 5500, Standards of Conduct, that the student is accused of violating;
 - a short statement of the facts supporting the accusation;
 - the right of the student to meet with the Dean of Student Affairs, or designee, to discuss the accusation, or to respond in writing;
 - the nature of the discipline that is being considered.
- B. Time Limits. The notice must be provided to the student within thirty (30) days of the date on which the conduct took place, or the date the College became aware of the conduct; in the case of continuous, repeated, or ongoing conduct, the notice must be provided within thirty (30) days of the date on which conduct occurred or the date the College became aware of the conduct which led to the decision to take disciplinary action.
- C. Meeting. If the student chooses to meet with the Dean of Student Affairs, the meeting must occur no sooner than three (3) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation and must be given an opportunity to respond verbally or in writing to the accusation.
1. **Short-term Suspension.** Within five (5) days after the meeting described above, the Dean of Student Affairs shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Dean of Student Affairs’ decision shall be provided to the student. The notice will include the length of time of the suspension or the nature of the lesser disciplinary action. The Dean of Student Affairs’ decision on a short-term suspension shall be final.

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2. **Long-term Suspension.** Within five (5) days after the meeting described above, the Dean of Student Affairs shall decide whether to impose a long-term suspension. Written notice of the Dean of Student Affairs' decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed and a copy of this policy describing the procedures for a hearing.
3. **Expulsion.** Within five (5) days after the meeting described above, the Dean of Student Affairs shall decide whether to recommend expulsion to the Vice President of Student Services. Written notice of the Dean of Student Affairs' decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed and a copy of this policy describing the procedures for a hearing.

V. Hearing Procedures:

- A. **Request for Hearing.** Within five (5) days after receipt of the Dean of Student Affairs' decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Dean of Student Affairs, or designee.
- B. **Schedule of Hearing.** The formal hearing shall be held within ten (10) days after a formal request for hearing is received.
- C. **Hearing Panel.** The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.
 1. The Dean of Student Affairs, the President of the Academic Senate, and the President of the Associated Students of Rio Hondo College (ASRHC) shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The Dean of Student Affairs shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.
- D. **Hearing Panel Chair.** The Dean of Student Affairs shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.
- E. **Conduct of the Hearing. (current practice)**
 1. **The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response**

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- provided by the student before the hearing begins. (current practice)
2. The facts supporting the accusation shall be presented by a College representative. The College representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter. (current practice)
 3. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. (current practice)
 4. Unless the hearing panel determines to proceed otherwise, the College representative and the student shall each be permitted to make an opening statement. Thereafter, the College representative shall make the first presentation, followed by the student. The College representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the College representative to prove by **substantial the preponderance of the** evidence that the facts alleged are true. (current practice) (CCLC)
 5. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the College representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it. (current practice)
 6. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing. (current practice)
 7. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary. (current practice)
 8. The hearing shall be recorded by the District either by audio recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by audio recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Audio recording shall remain in the

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custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the audio recording. (current practice)

9. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio recorded is not unavailable. (current practice)
10. Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the Vice President of Student Services a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing. (current practice)

VI. Decision: (current practice)

- A. **Long-term Suspension.** Within five (5) days following receipt of the hearing panel's recommended decision, the Vice President of Student Services, or designee, shall render a final written decision. The Vice President of Student Services, or designee, may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Vice President of Student Services or designee modifies or rejects the hearing panel's decision, the Vice President of Student Services, or designee, shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Vice President of Student Services, or designee, shall be final. (current practice)
- B. **Expulsion.** Within five (5) days following receipt of the hearing panel's recommended decision, the Vice President of Student Services or designee shall forward a written recommendation to the Board of Trustees. The Vice President of Student Services or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Vice President of Student Services or designee modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Vice President of Student Services, or designee's, shall be forwarded to the Board of Trustees. (current practice)

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VII. Board of Trustees Decision: (current practice)

- A. The Board of Trustees shall consider any recommendation from the Vice President of Student Services, or designee, for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision. (current practice)
- B. The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122) (current practice)
- C. The student shall be notified in writing, by registered or certified mail or by personal service, at least three (3) days prior to the meeting of the date, time, and place of the Board's meeting. (current practice)
- D. The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held as a public meeting. (current practice)
- E. Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session. (current practice)
- F. The Board may accept, modify, or reject the findings, decisions, and recommendations of the Vice President of Student Services and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final. (current practice)
- G. The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District. (current practice)

VIII. Immediate Interim Suspension (Education Code Section 66017): (current practice)

The Vice President of Student Services, or designee, may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing in which a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days. (current practice)

IX. Removal from Class (Education Code Section 76032): (current practice)

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Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Vice President of Student Services and the Dean of Student Life Affairs. The Dean of Student Life Affairs shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Dean of Student Life Affairs shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Dean of Student Life Affairs from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal. (current practice)

X. **Withdrawal of Consent to Remain on Campus: (current practice)**

- A. The Dean of Student Life Affairs may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Dean of Student Life Affairs, a written report must be promptly made to the Vice President of Student Services. (current practice)
- B. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven (7) days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions. (current practice)
- C. In no case shall consent be withdrawn for longer than fourteen (14) days from the date upon which consent was initially withdrawn. (current practice)
- D. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. (Penal Code Section 626.4) (current practice)

XI. **Time Limits: (current practice)**

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties. (current practice)

XII. **Source/Reference: (current practice)**

Education Code Sections 66300, 72122, 76030 (current practice), 76032; Penal Code Section 626.4.

AP 5520 Student Discipline Procedures

References:

Education Code Sections 66300, 72122, and 76030

Note: *This procedure is legally required, except as specifically noted. Local practice may be inserted, but must comply with the standards of due process reflected in this example.*

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

Definitions:

District – The *[insert name of district]*.

Student – Any person currently enrolled as a student at any college or in any program offered by the District.

Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Short-term Suspension – Exclusion of the student by the *[CEO]* for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the *[CEO]* for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the **[designate authority]** for any person to remain on campus in accordance with California Penal Code Section 626.4 where the **[designate authority]** has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Short term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- Notice – The **[designated position]** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the **[designated position]** or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
- Time limits – The notice must be provided to the student within **[number of days]** of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within **[number of days]** of the date on which conduct occurred which led to the decision to take disciplinary action.
- Meeting – If the student chooses to meet with the **[designated position]**, the meeting must occur no sooner than **[number of days]** after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within **[number of days]** after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[number of days]**, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the **[CEO]** decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The **[CEO's]** decision on a short-term suspension shall be final.

Long-term Suspension – Within **[number of days]** after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[designated position]**, decide whether to impose a long-term suspension. Written notice of the **[CEO]** decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion – Within **[number of days]** days after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[designated position]**, decide whether to recommend expulsion to the Board of Trustees. Written notice of the **[CEO's]** decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

Note: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within **[number]** days after receipt of the **[CEO's]** decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the **[CEO]** or designee.

Schedule of Hearing – The formal hearing shall be held within **[number]** days after a formal request for hearing is received.

Note: *The Board of Trustees may hear these matters itself, or may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.*

Hearing Panel – The hearing panel for any disciplinary action shall be composed of **[insert composition, such as one administrator, one faculty member and one student.]**

The **[CEO]**, the president of the Academic Senate, and the AS president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The **[CEO]** shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The **[CEO]** shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to

the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

Note: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is **legally advised**.*

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the **[designate position]**.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. **[Suggested language: except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.]**

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than **[number of days]** prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within **[number]** days following the close of the hearing, the hearing panel shall prepare and send to the **[CEO]** a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

[CEO's] Decision:

Long-term suspension – Within **[number of days]** following receipt of the hearing panel's recommended decision, the **[CEO]** shall render a final written decision. The **[CEO]** may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the **[CEO]** modifies or rejects the hearing panel's decision, the **[CEO]** shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the **[CEO]** shall be final.

Expulsion – Within **[number of days]** following receipt of the hearing panel's recommended decision, the **[CEO]** shall render a written recommended decision to the Board of Trustees. The **[CEO]** may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the **[CEO]** modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The **[CEO]** decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the **[CEO]** for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the **[CEO]** and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

Immediate Interim Suspension (Education Code Section 66017): The **[CEO]** may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the **[CEO]** and the **[designated position]**. The **[designate position]** shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the **[designated position]** shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the **[designated position]** from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The **[designate position]** may notify any person for whom there is a reasonable belief that the person has willfully disrupted

the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent is withdrawn by the **[designate position]** a written report must be promptly made to the **[CEO]**.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than **[number of days]** from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Revised 6/13

ATHLETICSAP No.
5700

Board Reviewed: 6/10/09

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- I. The College's athletics program is operated by the District and governed by the Athletic Code of the Community College League of California (CCLC), **and** the constitution **and bylaws** of the California Community College Athletic Association (CCCAA), **and the Foothill Conference. South Coast Conference (S.C.C.), and the Mission Football Conference (M.C.)**. The Dean of Physical Education and Athletics has been delegated authority to determine individual eligibility according to CCLC, CCCAA, **Foothill Conference S.C.C., M.C.**, and District regulations. The enforcement of rulings is the responsibility of assigned members of Athletics Department staff, the Dean of Physical Education and Athletics, and the **team head** coaches involved. General direction and administration of the program, within the established policies and procedures, is the responsibility of the Dean of Physical Education and Athletics. **Individual team All head** coaches are directly responsible to the Dean of Physical Education and Athletics for governance of their teams and enforcement of established policies and eligibility rulings. **(current practice)**
- II. Rules Governing Athletic Eligibility
- All rules of the **Community College League of California C.C.L.C, California Community College Athletic Association CCCAA, and the Foothill Conference South Coast Conference, and the Mission Football Conference** are applicable to the College's athletes. In addition: **(current practice)**
1. Each athlete must have completed both the District and conference eligibility procedures before becoming eligible for any contest, game, meet, match, or scrimmage.
 2. The College's Athletics Department fully complies with **California Community College Athletic Association C.C.C.A.A bylaw constitution** articles 1.5.4 F and G regarding adherence to the Title IX Education Amendments of 1972 **and R-4 form compliance. (current practice)**
 3. When the Dean of Physical Education and Athletics and team coach are notified that an athlete is ineligible, said athlete may not participate until the Dean of Physical Education and Athletics or their designee certifies that the athlete has become eligible. **and, (current practice)**
 4. Each athlete must complete the **C.C.C.A.A and District physical paperwork, or equivalent, be enrolled in the specific sport's intercollegiate course**, and be approved for competition by a Dean of Physical Education and Athletics before participation in a College practice or official competition. **(current practice)**
- III. Source/Reference:

Title IX, Education Amendments of 1972; Education Code 66271.6, 66271.8, 67360 et seq.

AP 5700 Athletics

References:

Education Code 66271.6, 66271.8, 67360 et seq.;
Title IX, Education Amendments of 1972

Note: *This procedure is **legally advised**. Local practice may be inserted here. Rules for participation in intercollegiate athletics should be developed in accordance with Education Code Sections 67360 et seq. and BP 5700, which states that the District shall comply with rules and regulations adopted by voluntary associations, one of whose purposes is to govern intercollegiate athletics (e.g. the California Community College Athletic Association (CCCAA)).*

The authority for developing, implementing and monitoring these procedures should be stated, and should reference appropriate assistance required from the Academic Senate.

Athletic Drug Testing

Note: *Athletic Drug Testing is not mandated. If the District wishes to consider such a procedure, it may contact the League for sample language.*

Revised 2/04, 2/07, 6/13

LEAVESBP No.
7340

Board Adopted: 1-23-64; 6-29-76; 1-18-78; 1-10-79; 1-14-81; 1-23-64;
6-25-69; 3-21-73; 6-29-76; 5-10-78; 1-10-79; 4-13-05

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- I. The Superintendent/President shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:
 - A. Illness leaves for all classes of permanent employees;
 - B. Vacation leave for members of the classified service, administrators, supervisors, and managers;
 - C. Leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated, **or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (CCLC);** (EC 87768.5; 88210)
 - D. Leave of absence to serve as an elected member of the legislature (EC 87701);
 - E. Pregnancy leave (EC 87766; 88193; Government Code Section 12945);
 - F. Use of illness leave for personal necessity (EC 87784; 88207);
 - G. Industrial accident leave (EC 88192, 87787);
 - H. Bereavement leave (EC 87788, 88194,);
 - I. Jury Service or appearance as a witness in court (EC 87035; 87036);
 - J. Military service (EC 87700);
 - K. Sabbatical leaves for permanent faculty;
 - L. Family Medical Leave Act;*
 - M. California Family Care Act;*
 - N. Quarantine (EC 88199);
 - O. Catastrophic leave (EC 870450)

LEAVES

BP No.
7340

Board Adopted: 1-23-64; 6-29-76; 1-18-78; 1-10-79; 1-14-81; 1-23-64;
6-25-69; 3-21-73; 6-29-76; 5-10-78; 1-10-79; 4-13-05

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- II. Vacation leave for ~~members of the classified service~~, educational administrators, and classified administrators shall not accumulate beyond the total days of paid leave accrued for two years of work. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.
- III. In addition to these policies and collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.
- IV. Source/Reference

EC 79020, 87034, 87036, 87037, 87700, 87768.5, 87782, 87784, 87787, 87788, 88190, 88192, 88194, 88199, 88203, 88210, 88027, 87701, 87763 et seq., 88190 et seq. and cites above. ***State and Federal Employment Law.**

BP 7340 Leaves

References:

Education Code Sections 87763 et seq. and 88190 et seq. and cites below

The [CEO] shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness leaves for all classes of permanent employees;
- vacation leave for members of the classified service, administrators, supervisors and managers;
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization; Education Code Sections 87768.5 and 88210
- leave of absence to serve as an elected member of the legislature; Education Code Section 87701
- pregnancy leave; Education Code Sections 87766 and 88193; Government Code Section 12945
- use of illness leave for personal necessity; Education Code Sections 87784; 88207
- industrial accident leave;
- bereavement leave;
- jury service or appearance as a witness in court; Education Code Sections 87036 and 87037
- military service; Education Code Section 87700; and
- sabbatical leaves for [*permanent faculty; academic employees, administrators and managers*].

Vacation leave for members of the classified service, educational administrators and classified supervisors and managers shall not accumulate beyond [#] days of paid leave or [#] hours of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

In addition to these policies and collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

See Administrative Procedures [#].

Revised 6/13